



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,181	09/17/2003	Udo Schutz	PR-50	3957

7590 06/16/2006

Friedrich Kueffner
Suite 910
317 Madison Avenue
New York, NY 10017

EXAMINER

LHYMN, EUGENE

ART UNIT PAPER NUMBER

3727

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,181

Applicant(s)

SCHUTZ, UDO

Examiner

Eugene Lhymn

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/17/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Claims 2, 4, 6, 9-12 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected mutually exclusive embodiment, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/2/06.

It is noted that Applicant elected claims 1, 5, and 8, wherein claim 5 depends on claim 3, which also reads on the elected embodiment, and wherein claim 8 depends on claim 7, which also reads on the elected embodiment. Thus, Examiner has included claims 3 and 7 as the claim set to be considered on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 3 recites the limitation "strips." There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 3727

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz (US 6050437) in view of DE 7341620. With respect to claim 1, Schutz discloses the following:

- a pallet-shaped support frame of metal or of an electrically conducting plastic material (Col 2, Lines 47-50);
- an exchangeable inner container of plastic material (polyethylene) supported on the support frame and having four sidewalls, a bottom, and a top (Col 2, Lines 40-47);
- wherein the inner container further comprises an upper closable fill socket (Fig. 1, item 5) and a lower outlet socket with a tapping fixture or an upper closable tapping socket (Fig. 1, item 7);
- an outer jacket surrounding the inner container and being comprised of grade bars of metal or sheet metal (Fig. 1, item 9);
- wherein the inner container is a multi-layer body, comprising an exchangeable inner container of synthetic material and a lattice-like sheathing
- wherein the inner container has integral electrically conducting sections comprised of an electrically conducting plastic material, wherein the electrically conducting sections form electrical connections between an inner surface and an outer surface of the inner container.

Art Unit: 3727

However, Schutz fails to teach the electrically conducting plastic material with conducting sections being integral and also forming connections between an inner and outer surface of the inner container. Nonetheless, DE 7341620 teaches a tank with electrically conducting plastic material wherein conducting strips are integral to the tank sidewalls, and form connections from the inside to the outside of the edge zones of the tank walls, so as to transfer internally generated static charge (See translated abstract), wherein the conducting material is molded into tank thus reducing extraneous labor costs associated with connecting a separate conducting strip, as well as simplifying design. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to replace the inner container and separate, all-encompassing conduction strip of Schutz with integrally formed conduction strips within the sidewalls of the inner container as taught by DE 7341620 so as to reduce labor costs, as well as provide design simplification.

With respect to claim 3, Schutz, as modified above, discloses the electrically conducting strips, which are integrally molded in all of the walls of the inner container, having a vertical extension across at least one of the sidewalls and corner areas.

With respect to claim 5, Schutz as modified above discloses the conducting strips extending across the sidewalls, bottom and top of the inner container.

Art Unit: 3727

6. Claims 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutz in view of DE 7341620 and further in view of Lucke (US 2002/0110658 A1). With respect to claim 7, Schutz, as modified above, discloses the claimed invention except for the inner container having an inner and outer layer, but Schutz, individually, does disclose a container with two physically separate layers, the outside layer being permanently antistatic. Nonetheless, Lucke teaches a composite tank that also utilizes the concept of conduction via wall material to mitigate internally generated static charge, wherein said tank comprises multiple layers (Fig. 9, [0068]), wherein having multiple layers improves strength of the container. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the inner container of Schutz as modified by DE 7341620 to have multiple layers as taught by Lucke so as to improve structural characteristics of the inner container.

With respect to claim 8, Schutz as modified above, discloses the claimed invention except for there being a central layer between the inner and outer layer. However, Lucke teaches a composite tank that also utilizes the concept of conduction via wall material to mitigate internally generated static charge, wherein said tank comprises multiple layers (Fig. 9, [0068]), the central layer 96 being an adhering layer, wherein having multiple layers improves strength of the container. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to configure the inner container of Schutz as modified by DE 7341620 to have multiple layers as taught by Lucke so as to improve structural characteristics of the inner container.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Lhymn whose telephone number is 571-272-8712. The examiner can normally be reached on MTWT 6-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/664,181

Page 7

Art Unit: 3727


NATHAN J. NEWHOUSE *for*
SUPERVISORY PATENT EXAMINER

Steve Castellano
Primary Examiner